

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In Re:

MARTTI Q. RUONA,
Debtor.

No. 7-06-10901-ML

TRUSTEE'S OBJECTION TO HOMESTEAD EXEMPTION

COMES NOW the Trustee herein, Kieran F. Ryan, and shows the Court the following:

1. Debtor filed a petition for relief under Chapter 7 on May 31, 2006.
2. Debtor's Schedule C claims as a homestead exemption, under NMSA §42-10-1, the following: "Primary Residence - held jointly with ex-wife - gift deeded debtor's portion of the property to brother in 2002 - half-residential and half-commercial - has home and shop on property Location: 2420 N. Dona Ana Road, Las Cruces NM", in the amount of \$30,000.00.
3. Upon information and belief, the Trustee has investigated the property, and found that there are actually three pieces of property, with the addresses of 2420, 2424 and 2428 Dona Ana Road, Las Cruces, New Mexico.
4. Upon information and belief, 2420 Dona Ana Road is vacant land upon which a mobile home is situate. This mobile home is unoccupied and, from all appearances, has not been lived in for quite some time.
5. Upon information and belief, 2424 Dona Ana Road is a residence, occupied

by a tenant, who pays rent to the debtor's ex-wife.

6. Upon information and belief, 2428 Dona Ana Road has a commercial building on it, and is occupied by a tenant who pays rent to the debtor's ex-wife.
7. There is no evidence that the debtor is physically living on the subject property, using it as his personal residence, or ever lived on the property but was forced to move under extenuating circumstances.
8. Accordingly, said claim of exemption should be denied.

WHEREFORE, the Trustee objects to Debtor's exemption as aforementioned; requests that the same be denied; and, for such other relief as is just.

Respectfully submitted,

{Electronic Signature}_____

KIERAN F. RYAN

Trustee in Bankruptcy

P.O. Box 26

Las Cruces, NM 88004

(505) 523-1515

I hereby certify that a true and correct copy of the foregoing pleading was mailed, faxed or otherwise delivered on this 2nd day of August, 2006, to:

U.S. Trustee's Office P.O. Box 608 Albuquerque, NM 87103	R. Trey Arvizu III Attorney for Debtor P.O. Box 1479 Las Cruces, NM 88004-1479	Martti Q. Ruona P. O. Box 1911 Las Cruces, NM 88005
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{Electronic Signature}_____

Kieran F. Ryan

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